



Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.0315US (P7998)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR

on February 8, 2006

Signature

Typed or printed name

Cynthia L. Hayden

Application Number

09/515,272

Filed

February 29, 2000

First Named Inventor

David B. Kinder et al.

Art Unit

2617

Examiner

James R. Sheleheda

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 28,994☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Timothy N. Trop

Typed or printed name

(713) 468-8880

Telephone number

February 8, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	David B. Kinder et al.	§	Art Unit:	2617
Serial No.:	09/515,272	§	Examiner:	James R. Sheleheda
Filed:	February 29, 2000	§	Docket:	ITL.0315US
For:	Providing A Viewer	§		P7998
	Incentive With Video Content	§	Assignee:	Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Pre-appeal review is requested because the rejection is defective on its face. Namely, the asserted rationale of the rejection cannot and does not work.

Claim 1, for example, calls for transmitting two things. The first thing is video content. The second thing is partial, incomplete portions of a complete viewer incentive image over time in association with said content. Thus, there are two different things because the image must be transmitted in association with the video content.

Moreover, the image must be of a specific nature. Namely, it must accumulate “depending on viewing time to form said complete image” and, more specifically as set forth in the third clause of the claim, the portion of the incomplete image that is displayed is “dependent on the time spent viewing video content.” Thus, the image that is displayed must be different from the video content, but it must also represent time spent viewing the video content.

Date of Deposit: February 8, 2006

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cynthia L. Hayden
Cynthia L. Hayden

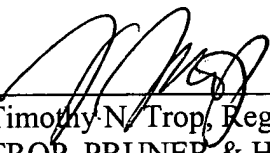
The Examiner is attempting to read the claim on a reference which simply progressively streams video data. He argues that the amount of the image that is seen is dependent on the time spent viewing because the information is progressively scanned and, therefore, the longer you watch it the more you would see. Of course, the problem with this analysis is that the Examiner's position is directed to the wrong video information. The Examiner is treating the streaming video as the incentive image. He can do that, but then he has a problem. The problem arises because now the amount of the information that is displayed is displayed based on the time spent watching the asserted incentive image, not the time spent viewing the separate video content.

In other words, the reference does not teach progressively displaying portions of one image based on time spent viewing something else. As a result, the Section 102 rejection could not be supported under any reading of the claim or the reference and, therefore, the rejection should be reversed.

The same arguments apply with respect to the other independent claims.

Respectfully submitted,

Date: February 8, 2006



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation